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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,102	03/20/2002	Keiichi Nakajima	NI-0002PCTUS	1148

28017 7590 08/21/2003

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JAPAN

EXAMINER

ST CYR, DANIEL

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 08/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/063,102

Applicant(s)

NAKAJIMA, KEIICHI

Examiner

Daniel St.Cyr

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*[Signature]*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 39-42 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2, 11 and 30 is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 7, 8 and 20 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 9, 10, 24, 28 and 29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of claims 1-38 in Paper No. 6 is acknowledged.

***Claim Objections***

2. Claims 2-10, 12-17, 21-24, 26-29, and 31-38 are objected to because of the following informalities: line 1 "A" should be changed to --The--. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 4, 7, 8, 20-23, and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosen, US Patent No. 5,949,044.

Rosen discloses a trusted agents for open distribution of electronic money: a payment terminal 4 operable to store a first balance of electronic money for said electronic money payment relating to a dealing; a demanding terminal 2 operable to communicate with said payment terminal to demand said payment; and a payment apparatus (MTD) 2 operable to communicate with said demanding terminal and to store a second balance of electronic money to correspond to an identification number of said payment terminal for validating said payment, wherein said demanding terminal receives from said payment terminal said first balance stored in said payment terminal and transmits said first balance to said payment apparatus, and said

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payment apparatus detects unfair use of said electronic money by checking said first balance stored in said payment terminal, which was received from said demanding terminal, with said second balance stored in said payment apparatus (see figures 1-4, and col. 17, lines 7-20).

Re claim 4, wherein in a case where said communication unit received from said payment terminal a deposit-requested amount of said electronic money, said processor updates said check balance stored in said memory unit based on said deposit-requested amount, and said communication unit transmits a new balance, obtained by said update, to said payment terminal (inherently once a transfer is made from one account to another, both accounts are updated to reflect the transferred amount).

Re claims 7, 8, wherein, in a case where said communication unit received a balance inquiry request from said payment terminal together with the electronic money balance for making payment on the dealing, said processor compares said electronic money balance said communication unit received from said payment terminal with said check balance stored in said memory unit, and transmits a warning indicating a possibility of unfair use when said compared balances do not coincide (see col. 17, lines 7-20).

Re claims 20-23 and 25-27, the limitations have been met above.

***Allowable Subject Matter***

5. Claims 2, 11, 18, 19, and 30 are allowed.
6. Claims 5, 6, 9, 10, 24, 28, and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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7. Claims 12-17 and 31-38 would be allowable if rewritten or amended to overcome the objection set forth in this Office action.

8. The following is a statement of reasons for the indication of allowable subject matter:

Although the prior art teaches an electronic payment system that stores the amount of the electronic money in a first device wherein the first device transmits the amount of the electronic money to a second device, the second device compares the amount sent with an amount store in the second device to determine unfair use of the electronic money, the prior art of record fails to disclose or fairly suggests all the detailed steps including updating a first and a second reference number in accordance with predetermined rules then checking the first and the second updated reference numbers to determine unfair use. These limitations in conjunction with the limitations in the claims were not shown by the prior art of record.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Marcous et al, US Patent No. 5,650,604, disclose a system and method for electronic transfer of funds using an automated teller machine to dispense the transferred funds. Jennings et al, US Patent No. 5,659,165, disclose a customer-directed automated process for transferring funds between accounts via a communications network. Brands, US Patent No. 5,696,827, discloses a secured cryptographic methods for electronic transfer of information. Walker et al, US Patent No. 5,949,044, disclose a method and apparatus for funds and credit transfers. Stoutnberburg et al, US Patent No. 6,488,203 disclose a method and system for performing money transfer transaction.

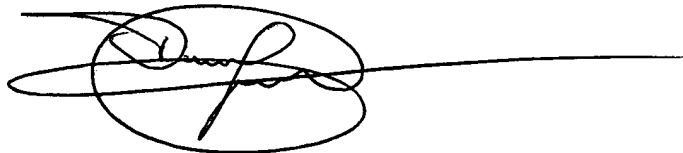
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 703-305-2656. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on 703-305-3503. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Daniel St.Cyr  
Primary Examiner  
Art Unit 2876

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a horizontal line and a vertical stroke, all enclosed within a large, irregular oval shape.

DS  
August 11, 2003